

Manual of
DISCIPLINARY GUIDELINES
and
MODEL DISCIPLINARY ORDERS

2nd Edition, 2002

**PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

Introduction

Purpose

This *Manual of Disciplinary Guidelines and Model Disciplinary Orders* is intended as a guide to persons involved in setting administrative disciplinary terms and conditions for violations by licensed physician assistants of the Physician Assistant Practice Act, and other laws and regulations. Use of these guidelines will help ensure that the selected terms and conditions are appropriate and consistent with decisions reached in comparable disciplinary actions.

Persons directly involved in the administrative disciplinary process of a California licensed physician assistant are the intended audience for this booklet. Appropriate users of these guidelines and model orders include administrative law judges, defense attorneys, physician assistant-respondents, trial attorneys from the Attorney General's Office, committee members (who review proposed decisions and make final decisions), the committee's executive officer, and others.

Policy

The Physician Assistant Committee (PAC) recognizes that the penalties and conditions of probation contained in this booklet are merely guidelines. Selecting conditions of discipline appropriate to individual cases may necessitate variations from these guidelines, for taking into account particular mitigating or aggravating circumstances. However, absent significant extenuating circumstances, the penalty and probation provisions of these guidelines should be followed by those individuals representing the committee in disciplinary actions.

Authority

Authority for the committee to establish disciplinary guidelines is contained in Government Code Section 11425.50(e). The disciplinary guidelines are incorporated as part of Title 16 CCR 1399.523.

Violations

All concerned individuals, and especially the trier of law, should be aware that any violation of the Medical Practice Act, which would constitute unprofessional conduct by a physician and surgeon is also grounds for a finding of unprofessional conduct for a physician assistant. Furthermore, in addition to the grounds set forth in Business and Professions Code, Chapter 7.7, Section 3527(a), other grounds for action are set forth in California Code of Regulations, Title 16, Chapter 13.8, Section 1399.521.

Changes and Variations from the Guidelines

Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the PAC in its sole discretion determines that the facts of the particular case warrant such a deviation – for example, the presence of mitigating factors, the age of the case, evidentiary problems, etc.

Whenever a Proposed Decision issued by an administrative law judge varies from the conditions contained in the following guidelines, the committee encourages both the deputy attorney general who drafted the Accusation and the administrative law judge who heard the case to include an explanation of any deviations or omissions from the guidelines in the conditions of the Proposed Decision. The committee will then be better informed and understand the circumstances and reasons for any changes and variations from these disciplinary guidelines during its review of the case for ultimate action.

Probation Conditions

Probation conditions are divided into two categories:

- 1) **Standard Conditions.** (These conditions are generally applicable to all probation cases.)
- 2) **Optional Conditions.** (Selection and use of these conditions depend on the nature and circumstances of the particular case.)

Standard Conditions

The standard conditions generally appearing in every probation case are listed below.

Note: A number in parentheses () refers to a specific model condition that is spelled out in the Model Disciplinary Orders that appear later in this manual.

1. Obey all laws (32)
2. File quarterly reports (33)
3. Cooperate with probation surveillance (34)
4. Interview with medical consultant (35)
5. Tolling of probation if respondent moves out-of-state (36)
6. Initial probation review (37)
7. Unannounced clinic site visits (38)
8. Completion of probation (39)
9. Violation of probation (40)
10. Cost Recovery (41)
11. Voluntary License Surrender (42)

Optional Conditions

Optional conditions may include, but are not limited to, imposing a period of actual license suspension, establishing various scope of practice restrictions, a requirement to take remedial education courses, and providing free public services. The optional conditions selected will be relevant to the sustained violations and any significant mitigating circumstances. (See detailed listing of optional conditions located toward the end of this manual.)

Disciplinary Guidelines

Index to Disciplinary Guidelines by Cause for Discipline

Many, but not all, causes for discipline and for California physician assistant license restriction are listed below. They are presented in numerical order of their associated statute section number(s) in the State of California's Business and Professions Code (B&P) and the Government Code (Gov't Code). The Disciplinary Guideline and Optional Conditions that are associated with the specific cause for discipline are found in this manual on the page listed to the right of the specific Cause for Discipline.

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Disciplinary Guidelines **and Optional Conditions for California Licensed Physician Assistants**

Overview

Violations of laws governing the practice of California licensed physician assistants can include, but are not limited to, the following examples.

Each referenced cause for discipline is followed by Disciplinary Guidelines that relate to the cause for discipline. These recommended disciplinary conditions, designed by the committee to address specific causes for discipline, should be prudently applied in conjunction with the Standard Conditions discussed above.

Other specific Optional Conditions that may also be applied, when deemed appropriate to the circumstances of a specific case, are preceded with the phrase, "If warranted,".

Note: A number in parentheses () refers to a specific model condition spelled out in the Model Disciplinary Orders that are presented near the end of this manual. The Index to the Physician Assistant Committee's Model Disciplinary Orders is found on page 20 of this manual.

Causes for Discipline and License Restriction

EXCESSIVE TREATMENTS B&P 725

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Education course (16)
2. If warranted, suspension of 60 days or more (8)
3. If warranted, ethics course (17)
4. If warranted, clinical training program (18)
5. If warranted, monitoring/supervision (21)
6. If warranted, restrict practice - incompetence (23)
7. If warranted, restrict drug order authority (9)
8. If warranted, restricted practice - patients (25)
9. If warranted, maintenance of patient medical records (26)
10. If warranted, on-site supervision (27)
11. If warranted, case-by-case review of patient (28)
12. If warranted, surrender DEA permit (10a)

SEXUAL MISCONDUCT B&P 726 729, 3527(a)

Minimum penalty: Stayed revocation, at least 7 years probation

Maximum penalty: Revocation

1. Psychological evaluation/treatment (19)

NOTE: This condition is for those cases where the evidence demonstrates that mental illness or disability was a contributing cause of the violation.

1. Education course (16)
2. Ethics course (17)
3. If warranted, suspension of 60 days or more (8)
4. If warranted, diversion program (14)
5. If warranted, clinical training program (18)
6. If warranted, psychological evaluation/treatment (19)
7. If warranted, medical evaluation/treatment (20)
8. If warranted, monitoring/supervision (21)
9. If warranted, third party presence (22)
10. If warranted, prohibited practice - setting (24)

11. If warranted, restricted practice - patients (25)
12. If warranted, maintenance of patient medical record (26)
13. If warranted, on-site supervision (27)
14. If warranted, case-by-case review of patient (28)

MENTAL OR PHYSICAL ILLNESS B&P 820

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Psychological evaluation/treatment (19)
2. Medical evaluation/treatment (20)
3. If warranted, diversion program (14)
4. If warranted, monitoring/supervision (21)
5. If warranted, restrict practice - incompetence (23)
6. If warranted, restrict drug order authority (9)
7. If warranted, restricted practice - patients (25)
8. If warranted, maintenance of patient medical records (26)
9. If warranted, on-site supervision (27)
10. If warranted, case-by-case review of patient (28)

HOLDING ONESELF OUT AS A PHYSICIAN OR USE OF TITLE "DOCTOR" AND/OR "M.D." B&P 2054, 2278

Minimum penalty: Public Reproval

Maximum penalty: Revocation

1. If warranted, suspension of at least 90 days (8)
2. If warranted, education program (16)
3. If warranted, ethics course (17)
4. If warranted, clinical training (18)
5. If warranted, psychological evaluation/treatment (19)
6. If warranted, monitoring/supervision (21)
7. If warranted, prohibited practice - setting (24)
8. If warranted, maintenance of patient medical records (26)
9. If warranted, on-site supervision (27)
10. If warranted, case-by-case review of patient records (28)
11. Community Service (15)

GROSS NEGLIGENCE B&P 2234(b)

OR

REPEATED NEGLIGENT ACTS B&P 2234(c)

OR

INCOMPETENCE B&P 2234(d)

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Education course (16) and/or clinical training program (18)
2. Suspension of 60 days or more (8)
3. If warranted, ethics course (17)
4. If warranted, psychological evaluation/treatment (19)
5. If warranted, medical evaluation/treatment (20)
6. If warranted, monitoring/supervision (21)
7. If warranted, restrict practice - incompetence (23)
8. If warranted, prohibited practice - setting (24)
9. If warranted, restrict drug order authority (9)
10. If warranted, DEA surrender (10a)
11. If warranted, maintenance of patient medical records (26)
12. If warranted, restricted practice - patients (25)
13. If warranted, on-site supervision (27)
14. If warranted, case-by-case review of patient (28)
15. Clinical Training Program (18)

DISHONESTY B&P 2234(e), 3537(a)

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Ethics course (17)
2. Suspension of 60 days or more (8)
3. If warranted, psychological evaluation/treatment (19)
4. If warranted, monitoring/supervision (21)
5. If warranted, restrict drug order authority (9)
6. If warranted, surrender DEA permit (10a)
7. If warranted, restricted practice - patients (25)
8. If warranted, on-site supervision (27)
9. If warranted, case-by-case review of patient (28)
10. Community service (15)

PROCURING LICENSE BY FRAUD B&P 2235

Minimum penalty: Revocation

Maximum penalty: Revocation

CRIMINAL CONVICTION B&P 2236, 3527(a)

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. If warranted, apply appropriate other guidelines depending on nature of criminal offense.
2. If warranted, suspension of 60 days or more (8)
3. If warranted, ethics course (17)

CONVICTION RELATED TO DRUGS B&P 2237, 3527(a)

OR

VIOLATION OF DRUG STATUTES B&P 2238, 3527(a)

Minimum penalty: Stayed revocation 7 years probation

Maximum penalty: Revocation

1. Maintain drug records for review (11)
2. Education course (16)
3. Maintenance of patient medical records (28)
4. If warranted, suspension of 60 days or more (8)
5. If warranted, revoke privilege to dispense and/or issue scheduled drug orders (9)
6. If warranted, Surrender DEA Permit (10a)
7. If warranted, biological fluid testing (13)
8. If warranted, diversion program (14)
9. If warranted, community service (15)
10. If warranted, ethics course (17)
11. If warranted, clinical training program (18)
12. If warranted, medical or psychological evaluation/treatment (20) (19)
13. If warranted, monitoring/supervision (21)
14. If warranted, prohibited practice - setting (24)
15. If warranted, restricted practice-patients (25)
16. If warranted, on-site supervision (27)
17. If warranted, case-by-case review of patient (28)
18. If warranted, maintenance and review of drug records by supervising physician (29)

NOTE: Outright revocation for violation for illegal sales of controlled drugs or dispensing drugs without medical indications - unless extensive mitigation appears.

SELF ABUSE OF DRUGS B&P 2239, 3527(a)

Minimum penalty: Stayed revocation, at least 7 years probation

Maximum penalty: Revocation

1. Drugs - abstain from use (10)
2. Maintain drug records for review (11)
3. Biological fluid testing (13)
4. Diversion program (14)
5. Education course (16)
6. If warranted, psychological evaluation/treatment (19)
7. If warranted, medical evaluation/treatment (20)
8. Maintenance of patient medical records (26)
9. If warranted, suspension of 60 days or more (8)
10. Surrender DEA permit (10a)
11. If warranted, controlled drugs- partial restriction (9)
12. Abstain from alcohol (12)
13. If warranted, community service (15)
14. If warranted, ethics course (17)
15. If warranted, clinical training program (18)
16. If warranted, monitoring/supervision (21)
17. If warranted, prohibited practice - setting (24)
18. If warranted, restrict drug order authority (9)
19. If warranted, restricted practice-patients (25)
20. If warranted, on-site supervision (27)
21. Maintenance and review of drug records by supervising physician (29)

ALCOHOL ABUSE B&P 2239, 3527(a)

Minimum penalty: Stayed revocation, at least 7 years probation

Maximum penalty: Revocation

1. Alcohol - abstain from use (12)
2. Biological fluid testing (13)
3. Diversion program (14)
4. Psychological evaluation/treatment (19)

5. Medical evaluation/treatment (20)
6. Maintenance of patient medical records (26)
7. If warranted, suspension of 60 days or more (8)
8. Drugs - abstain from use (10)
9. If warranted, community service (15)
10. If warranted, education course (16)
11. If warranted, ethics course (17)
12. If warranted, clinical training program (18)
13. If warranted, psychological evaluation/treatment (19)
14. If warranted, monitoring/supervision (21)
15. If warranted, prohibited practice - setting (24)
16. If warranted, restrict drug order authority (9)
17. If warranted, surrender DEA permit (10a)
18. If warranted, restricted practice - patients (25)
19. If warranted, on-site supervision (27)
20. If warranted, case-by-case review of patient (28)

FURNISHING DRUGS TO ADDICT B&P 2241, 3527(a)

Minimum penalty: Stayed revocation, 5 years probation

Maximum penalty: Revocation

1. Controlled drugs - maintain record (11)
2. If warranted, suspension of 60 days or more (8)
3. DEA scheduled drugs restriction (9)
4. If warranted, education course (16)
5. If warranted, clinical training program (18)
6. If warranted, monitoring/supervision (21)
7. If warranted, prohibited practice - setting (24)
8. If warranted, restricted practice - patients (25)
9. If warranted, maintenance of patient medical records (26)
10. If warranted, on-site supervision (27)
11. If warranted, case-by-case review of patient (28)
12. Community service (15)
13. Surrender DEA permit (10a)

ADMINISTERING OR FURNISHING DRUGS, OR TRANSMITTING DRUG ORDERS, WITHOUT PRIOR GOOD FAITH EXAMINATION B&P 2242, 3527(a)

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Education course (16)
2. Case-by-case review of patient (28)
3. If warranted, suspension of at least 60 days (8)
4. If warranted, clinical training program (18)
5. If warranted, monitoring/supervision (21)
6. If warranted, restricted practice - setting (24)
7. If warranted, restrict written drug order authority (9)
8. If warranted, DEA surrender (10a)
9. If warranted, restricted practice - patients (25)
10. If warranted, maintenance of patient medical records (26)
11. If warranted, on-site supervision (27)

ILLEGAL CANCER TREATMENT B&P 2252

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. Education course (16)
2. If warranted, suspension of 60 days or more (8)
3. If warranted, clinical training program (18)
4. If warranted, monitoring/supervision (21)
5. If warranted, prohibited practice - setting (24)
6. If warranted, restrict drug order authority (9)
7. If warranted, restricted practice - patients (25)
8. If warranted, maintenance of patient medical records (26)
9. If warranted, on-site supervision (27)
10. If warranted, case-by-case review of patient (28)
11. Community service (15)
12. Ethics course (17)

MAKING OR SIGNING FALSE DOCUMENTS B&P 2261, 3527(a)
OR
ALTERATION OF MEDICAL RECORDS B&P 2262

Minimum penalty: Stayed revocation, at least 5 years probation

Maximum penalty: Revocation

1. If warranted, suspension of 60 days or more (8)
2. If warranted, ethics course (17)
3. If warranted, monitoring/supervision (21)
4. If warranted, prohibited practice - setting (24)
5. If warranted, restrict drug order authority (9)
6. If warranted, maintenance of patient medical records (26)
7. If warranted, on-site supervision (27)
8. Community service (15)
9. If fraud involved, see "Dishonesty" guidelines

AIDING AND ABETTING UNLICENSED PRACTICE
B&P 2264, 3527(a)

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

1. If warranted, suspension of 60 days or more (8)
2. If warranted, ethics course (17)
3. If warranted, monitoring/supervision (21)
4. If warranted, restrict practice - incompetence (25)

DECEPTIVE ADVERTISING B&P 2271, 651, 3527(a)
PRACTICE UNDER FALSE OR FICTITIOUS NAME B&P 2285

Minimum penalty: 90 days stayed suspension, at least 3 years probation

Maximum penalty: Revocation

1. Ethics course (17)
2. If warranted, suspension of 60 days or more (8)

IMPERSONATION OF APPLICANT IN EXAM B&P 2288

Minimum penalty: Revocation

Maximum penalty: Revocation

DISCIPLINE BY ANOTHER STATE B&P 2305, 3527(a)

Minimum penalty: Same for similar offense in California

Maximum penalty: Revocation

PRACTICE DURING SUSPENSION B&P 2306, 3527(a)

Revocation is mandatory for a physician assistant under this statute.

DRUG ORDER AUTHORITY B&P 3502.1

Minimum penalty: Public Reprimand

Maximum penalty: Revocation

1. Maintenance of patient medical records (26)
2. If warranted, suspension of 60 days or more (8)
3. If warranted, education course (16)
4. If warranted, ethics course (17)
5. If warranted, clinical training program (18)
6. If warranted, monitoring/supervision (21)
7. If warranted, prohibited practice - setting (24)
8. If warranted, restrict drug order authority (9)
9. If warranted, surrender DEA permit (10a)
10. If warranted, restricted practice - patients (25)
11. If warranted, on-site supervision (27)

ADMINISTERING, FURNISHING, OR TRANSMITTING PRESCRIPTIONS NOT PRESCRIBED BY SUPERVISING PHYSICIAN B&P 3527(a)

PRACTICING MEDICINE WITHOUT DELEGATED AUTHORITY FROM A SUPERVISING PHYSICIAN BP 3527(a)

EXCEEDING DELEGATED SCOPE OF PRACTICE BP 3527(a)

PRACTICING WITHOUT ADEQUATE SUPERVISION B&P 3527(a)

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

1. Maintenance of patient medical records (26)
2. If warranted, suspension of 60 days or more (8)
3. If warranted, education course (16)
4. If warranted, ethics course (17)
5. If warranted, clinical training program (18)
6. If warranted, monitoring/supervision (21)
7. If warranted, prohibited practice - setting (24)
8. If warranted, restrict drug order authority (9)
9. If warranted, restricted practice - patients (25)
10. If warranted, on-site supervision (27)

FAILURE TO REPORT CHILD/ELDER/SPOUSAL ABUSE OR OTHER FAILURE TO REPORT UNDER PENAL CODE SECTIONS 11160 OR 11166 B&P 3527(a)

Minimum penalty: Stayed revocation, at least 1 year probation

Maximum penalty: Revocation

1. If warranted, suspension of at least 60 days (8)
2. If warranted, education course (16)
3. If warranted, ethics course (17)
4. If warranted, clinical training program (18)
5. If warranted, monitoring/supervision (21)
8. If warranted, restricted practice - patients (25)
9. If warranted, maintenance of patient medical records (26)
10. If warranted, on-site supervision (27)

FAILURE TO FOLLOW GUIDELINES FOR PREVENTION OF BLOOD BORNE PATHOGENS B&P 3527 (c)

Minimum penalty: Stayed revocation, at least 1 year probation

Maximum penalty: Revocation

1. Education course (16)
2. If warranted, suspension of at least 60 days (8)
3. If warranted, ethics course (17)
4. If warranted, clinical training program (18)
5. If warranted, monitoring/supervision (21)
6. If warranted, restricted practice - patients (25)
7. If warranted, maintenance of patient medical records (26)
8. If warranted, on-site supervision (27)
9. If warranted, case-by-case review of patient records (28)

FAILURE TO MAINTAIN REQUIRED PATIENT RECORDS B&P 3527(a)

Minimum penalty: Stayed revocation, at least 3 years probation

Maximum penalty: Revocation

1. Clinical training program (18)
2. If warranted, suspension of 60 days or more (8)
3. If warranted, monitoring/supervision (21)
4. If warranted, prohibited practice - setting (24)
5. If warranted, restrict drug order authority (9)
6. If warranted, restricted practice - patients (25)
7. If warranted, maintenance of patient medical records (26)
8. If warranted, on-site supervision (27)
9. Case-by-case review of patient records (28)

PERFORMANCE OF SURGICAL PROCEDURES REQUIRING ANESTHESIA OTHER THAN LOCAL ANESTHESIA WITHOUT PERSONAL PRESENCE OF THE SUPERVISING PHYSICIAN B&P 3527(a), 1399.541(i)

Minimum penalty: Stayed revocation, 5 years probation

Maximum penalty: Revocation

1. Education course (16)
2. Clinical training program (18)
3. If warranted, suspension of 60 days or more (8)
4. If warranted, monitoring/supervision (21)
5. If warranted, prohibited practice - setting (24)
6. If warranted, restricted practice - patients (25)
7. If warranted, maintenance of patient medical records (26)
8. If warranted, on-site supervision (27)
9. If warranted, case-by-case review of patient records (28)

VIOLATION OF PROBATION Government Code 11519(b)

Minimum penalty: Impose an actual period of suspension

Maximum penalty: Impose penalty that was stayed

The maximum penalty should be given for repeated similar offenses or for probation violations revealing a cavalier or recalcitrant attitude. Other violations of probation should draw at least a period of actual suspension.

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Model Disciplinary Orders

<i>Number</i>	<i>Model Disciplinary Order</i>
1.	Public Reproval Respondent_____P.A., shall be, and hereby is, publicly reproved.
2.	Revocation - single cause License number_____issued to respondent_____is revoked.
3.	Revocation - multiple causes License number_____issued to respondent_____is revoked pursuant to Determination of Issues_____separately and for all of them.
4.	Suspension - single cause License number_____issued to respondent_____is suspended.
5.	Suspension - multiple causes (run concurrently) License number_____issued to respondent_____is suspended pursuant to Determination of Issues_____, separately and for all of them. All suspensions shall run concurrently.
6.	Suspension - multiple causes (run consecutively) License number_____issued to respondent_____is suspended pursuant to Determination of Issues_____. These suspensions shall run consecutively, for a total period of_____.

NOTE: Total suspension may not exceed one year. B&P 2372(b).

7. Standard Stay Order
However, it is stayed and respondent is placed on probation for years upon the following terms and conditions.
- Number Optional Condition*
8. Actual Suspension
- As part of probation, respondent is suspended from the practice of medicine as a physician assistant for _____ beginning the effective date of this decision.
9. Controlled Drugs - Partial Restrictions
Respondent shall not administer, issue a drug order, or hand to a patient or possess any controlled substances as defined by the California Uniform Controlled Substances Act, except for those drugs listed in Schedules(s) _____ of the Act.
10. Drugs - Abstain from Use/Exemption for Personal Use
Respondent shall abstain completely from the personal use of possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.
- Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by another practitioner.
- 10a. Controlled Drugs – Surrender of DEA Permit
Respondent is prohibited from practicing as a physician assistant until respondent provides documentary proof to the committee or its designee that respondent's DEA permit has been surrendered to the Drug Enforcement Administration for cancellation, together with any triplicate prescription forms and federal order forms. Thereafter, respondent shall not reapply for a new DEA permit without the prior written consent of the committee or its designee.
11. Controlled Drugs - Maintain Record
Respondent shall maintain a record of all controlled substances administered, transmitted orally or in writing on a patient's record or handed to a patient by the respondent during probation showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished, 5) the name of supervising physician prescriber.
- Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Physician Assistant Committee or its designee, upon request and without charge.

12. Alcohol - Abstain from Use
Respondent shall abstain completely from the use of alcohol containing products and beverages.
13. Biological Fluid Testing
Respondent shall immediately submit to biological fluid testing upon the request of the Physician Assistant Committee or its designee. The cost of biological fluid testing shall be borne by respondent.
14. Diversion Program
Within 30 days of the effective date of this decision, respondent shall enroll and participate in the Physician Assistant Committee's Diversion Program until the committee or its designee determines that further treatment and rehabilitation is no longer necessary. Respondent shall participate in program at own expense. Quitting the program without permission or being expelled for cause shall constitute a violation of probation by respondent.
15. Community Services - Free Services
Within 60 days of the effective date of this decision, respondent shall submit to the Physician Assistant Committee or its designee for its prior approval a community service program in which respondent shall provide free medical services on a regular basis to a community or charitable facility or agency for at least ___hours a month for the first ___ months of probation.

(NOTE: In quality of care cases, only non-medical community service is allowed.)
16. Education Course
Within 90 days of the effective date of the decision, and on an annual basis thereafter, respondent shall submit to the Physician Assistant Committee or its designee for its prior approval an educational program or course from an accredited program which shall not be less than ___ hours of Category 1 CME [total hours to be determined by multiplying 50 times the number of years of probation]. Respondent shall participate in education course at own expense. Respondent shall provide proof of attendance and satisfactory completion of the continuing medical education.
17. Ethics Course
Within 90 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a course in ethics, which respondent shall successfully complete during the first year of probation. Respondent shall participate in ethics course at own expense.
18. Clinical Training Program
Within 90 days of the effective date of this decision, respondent shall submit to the committee or its designee for prior approval, a clinical training or educational program such as the Physician Assessment and Clinical Education Program (PACE) offered by the University of California

– San Diego School of Medicine or equivalent program as approved by the committee or its designee. The exact number of hours and specific content of the program shall be determined by the committee or its designee. Respondent shall bear the cost of this program.

(NOTE: This program is for physician assistants who have demonstrated deficiencies either in medical skill or medical knowledge but do not constitute a present danger to patients.)

19. Psychological Evaluation/Treatment

Within 60 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the committee or its designee, respondent shall undergo a psychological evaluation by the committee-appointed psychological evaluator who shall furnish a psychological report to the committee or its designee.

(Optional)

If a respondent is determined to be unable to practice independently and safely, he/she shall immediately cease practice as a physician assistant and shall not resume practice until notified by the committee or its designee. Respondent shall not engage in any practice for which a physician assistant license is required until the committee or its designee has notified the respondent of its determination that respondent may resume practice.

If respondent is required by the committee or its designee to undergo psychological treatment, respondent shall within 30 days of the requirement notice submit to the committee for its prior approval the name and qualifications of a psychological evaluator of respondent's choice. Upon approval of the treating psychological evaluator, respondent shall undergo and continue psychological treatment until further notice from the committee. Respondent shall have treating psychological evaluator submit quarterly status reports to the committee indicating whether the respondent is capable of practicing medicine safely. The cost of psychological evaluation/treatment shall be borne by respondent.

(Optional)

Respondent shall not engage in the practice of medicine as a physician assistant until notified by the committee or its designee of its determination that respondent is mentally fit to practice safely.

(NOTE: This condition is for those cases where the evidence demonstrates that mental illness or disability was a contributing cause of the violations.)

20. Medical Evaluation/Treatment

Within 30 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the committee or its designee, respondent shall undergo a medical evaluation and/or treatment by a committee-appointed physician who shall finish a medical report to the committee or its designee. The cost of medical evaluation and/or treatment shall be borne by respondent.

(Optional)

_____ If respondent is determined to be unable to practice independently and safely, he/she shall immediately cease practice and shall not resume practice until notified by the committee or its designee. Respondent shall not engage in any practice for which a license is required until the committee or

its designee has notified the respondent of its determination that respondent may resume practice.

If respondent is required by the committee or its designee to undergo medical treatment, respondent shall within 30 days of the requirement notice submit to the committee for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval of the treating physician, respondent shall undergo and continue medical treatment until further notice from the committee. Respondent shall have the treating physician submit quarterly reports to the committee.

- (Optional) Respondent shall not engage in the practice of medicine as a physician assistant until notified by the committee or its designee of its determination that respondent is medically fit to practice safely.

(NOTE: This condition is for those cases where the evidence demonstrates that medical illness or disability was a contributing cause of the violations.)

- (Optional) If warranted, within 30 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval, respondent shall undergo and continue treatment until the committee deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the committee. The committee may require respondent to undergo periodic medical evaluations by a committee-appointed physician.

The cost of medical treatment shall be borne by the respondent.

(NOTE: This condition is for those cases where there is evidence that medical illness or disability was a contributing cause of the violations but the respondent is not at present a danger to his/her patients.)

21. Monitoring / Supervision

Within 30 days of the effective date of this decision, respondent shall submit to the committee or its designee for its prior approval a plan of practice in which respondent's practice shall be monitored by a supervising physician responsible for patients treated by the physician assistant.

If the supervising physician/monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new supervising physician/monitor appointed, through nomination by respondent and approval by the committee.

Respondent shall not practice as a physician assistant until supervising physician is approved by the committee.

22. Third Party Presence - Sexual Transgressors

During probation, respondent shall have a third party present while examining or treating _____patients.

- (Optional) The third party shall be present at all times during the treatment and examination. It shall be recorded in the patient record that the third party was present at all times during the treatment and examination. Said notation shall be signed by both the respondent and the third party. The respondent

shall also maintain a separate log, to be available for inspection on a random and unannounced basis by the committee or its designee. Said log shall include the names of all patients that the respondent examines and/or treats, the date of examination and/or treatment, and the name of the third party present in the room during the examination and/or treatment. Each entry in the log shall be signed and dated by the respondent and the third party.

- (Optional) Respondent shall, within 30 days of the effective date of the decision, submit to the committee or its designee for its approval name(s) of persons who will act as the third party present. The respondent shall execute a release authorizing the third party(s) present to divulge any information that the committee may request during the interviews on a periodic basis by the probation monitor.

(NOTE: Sexual transgressors will be placed in a monitored/supervised environment. See model number 22.)

23. Restrict Practice - Incompetence

During probation, respondent is prohibited from practicing ____.

(NOTE: Describe restrictions from performing specific medical procedures.)

24. Prohibited Practice - Setting

During probation respondent may/may not practice in the following settings:

25. Restricted Practice - Patients

Respondent is restricted from practicing on the following categories of patients:

26. Maintenance of Patient Medical Records

Respondent shall keep written medical records on all patient contacts (including all visits and phone calls).

All medical records originated by the respondent shall be reviewed, initialed, and dated daily by supervising physician.

This condition shall be required for____(e.g. first/etc. year of probation).

27. On-Site Supervision

Respondent shall have at all times on-site supervision by a supervising physician.

28. Case-by-Case Review of Patient

All medical records originated by the respondent shall be reviewed, initialed, and dated daily by supervising physician on a case-by-case basis.

Patient's condition shall be reviewed by supervising physician prior to patient leaving facility.

This condition shall be required for____(e.g. first/etc. year of probation).

29. Maintenance and Review of Drug Records by Supervising Physician

Respondent shall have partial restriction with maintenance and review of drug records by supervising physician. The following restrictions shall apply: _____.

30. Notification of Employer and Supervising Physician

Respondent shall notify his/her current and any subsequent employer and supervising physician(s) of his/her discipline and provide each a copy of the Stipulation, Decision, and Order to each such employer and supervising physician(s) during his/her period of probation, at onset of that employment. Respondent shall ensure that each employer informs the Physician Assistant Committee, or its agent, in writing within thirty (30) days, verifying that the employer and supervising physician(s) has been informed of this Stipulation and Order.

31. File Monthly Probation Reports

Respondent shall submit monthly declarations under penalty of perjury on forms provided by the committee or its designee, stating whether there has been compliance with all the conditions of probation.

Number Standard Condition

(TO BE INCLUDED IN ALL CASES OF PROBATION)

32. Obey All Laws

Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

33. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the committee or its designee, stating whether there has been compliance with all the conditions of probation.

34. Probation Surveillance Program Compliance

Respondent shall comply with the committee's probation surveillance program. Respondent shall, at all times, keep the committee informed of his or her addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the committee. Under no circumstances shall a post office box serve as an address of record, except as allowed by California Code of Regulations 1399.523.

Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform the committee, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

35. Interview with Medical Consultant

Respondent shall appear in person for interviews with the committee's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

36. Tolling for Out-of-State Practice or Residence

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the committee in writing of the date of departure, and the date of return, if any.

37. Initial Probation Interview

Respondent shall appear in person for an initial interview with a designee of the PAC within 90 days of the final decision. Respondent shall subject himself/herself to an initial interview at a time and place determined by the committee or its designee.

38. Unannounced Clinical Site Visit

At least once per calendar year or more frequently as determined by the committee or its designee unannounced clinical site visits by shall be made by the committee or its designee to ensure that respondent is complying with all terms and conditions of probation.

39. Completion of Probation

Upon successful completion of probation as determined by the committee's executive officer, respondent's license will be fully restored.

40. Violation of Probation

If respondent violates probation in any respect, the committee after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

41. Cost Recovery

The respondent is hereby ordered to reimburse the Physician Assistant Committee the amount of \$_____ within 90 days from the effective date of this decision for its investigative costs. Failure to reimburse the committee's costs for its investigation shall constitute a violation of the probation order, unless the committee agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his/her responsibility to reimburse the committee for its investigative costs.

(NOTE: Most physician assistant cost recovery orders are paid on an installment plan.)

42. Voluntary License Surrender

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and

conditions of probation, respondent may voluntarily tender his/her license to the committee. The committee reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation

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If you require additional information or clarification of the contents of this document, please contact the Physician Assistant Committee (PAC) at (916) 263-2670 or by fax at (916) 263-2671.